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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL GRECCO PRODUCTIONS INC.,

Plaintiff,

V.

19 | TIKTOK, INC..

Defendant.

Case No. 2:24-CV-04837-FLA-MAR

**DEFENDANT'S APPLICATION
FOR LEAVE TO FILE
OPPOSITION TO PLAINTIFF'S
MOTION TO EXCLUDE AND/OR
STRIKE DEFENDANT'S EXPERT
WITNESS AND REPORT
IN EXCESS OF THE WORD
COUNT LIMIT**

Hon. Fernando L. Aenlle-Rocha

Second Amended Complaint filed:
April 1, 2025

I. APPLICATION

Defendant TikTok, Inc. (“Defendant” or “TTI”) will and hereby does, though its attorneys Dorsey & Whitney LLP, respectfully request that the Court issue an Order granting Defendant leave to file its Opposition to Plaintiff’s Motion to Exclude and/or Strike Defendant’s Expert Witness and Report (“Opposition”) containing excess words under Standing Order § IV.D.3 and Dkt. 42, Scheduling and Trial Order § II.A.1. A copy of the Opposition is filed concurrently herewith.

This Application is based upon the legal arguments herein, and on such additional legal arguments and evidence the Court may receive at any hearing on this Application.

II. ISSUE TO BE DECIDED

On August 20, 2025, Plaintiff filed a Motion to Exclude and/or Strike Defendant’s Expert Witness and Report (“Motion”) seeking to exclude Defendant’s damages expert Mr. David Duski and his report. Dkt. 67. Under this Court’s Standing Order, motions to exclude expert witnesses must be brought as motions *in limine*. See Standing Order § IV.D.3¹ (“The court treats motions to admit or exclude evidence, including expert testimony and/or reports, as motions *in limine* subject to the requirements set forth in the court’s Scheduling and Trial Order.”); Dkt. 42, Scheduling and Trial Order § II.A.1 (“Challenges to expert testimony and/or reports should be brought as motions *in limine*.”). “Motions *in limine* and oppositions must not exceed 2,800 words in length, or ten (10) pages for handwritten briefs and briefs prepared using a typewriter.” Dkt. 42, Scheduling and Trial Order § II.A.1.

Defendant's Opposition asks that the Court strike Plaintiff's Motion because it was filed as a separate motion rather than a motion *in limine*. See Dkt. 42,

¹ Judge Aenlle-Rocha, Civil Standing Order,
<https://www.cacd.uscourts.gov/sites/default/files/documents/FLA/AD/Judge%20Aenlle-Rocha%20Civil%20Standing%20Order%20%282-1-25%29.pdf>

1 Scheduling and Trial Order § II.A.1 (“Any challenges to expert testimony or reports
2 brought as separate motions *shall* be stricken.”) (emphasis added).

3 In the event the Court does not strike Plaintiff’s Motion, Defendant’s
4 Opposition also addresses the merits of Plaintiff’s Motion. Plaintiff’s Motion
5 exceeds this Court’s 2,800-word or ten-page limit for motions *in limine*. Dkt. 67.
6 Because Plaintiff exceeded the word limit in its Motion, Defendant respectfully
7 requests leave to exceed the 2,800 word limit in its Opposition to provide it a fair
8 opportunity to respond fully to Plaintiff’s Motion. Defendant filed its Opposition on
9 September 5, 2025, and it contains 5153 words.

10 **III. CONCLUSION**

11 For the foregoing reasons, Defendant moves for an Order granting it
12 permission to file the Opposition containing 5153 words.

13 Dated: September 6, 2025

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26 *Attorneys for Defendant TikTok, Inc.*

CERTIFICATE OF SERVICE

2 I hereby certify that on September 6, 2025, a true and correct copy of the
3 foregoing was filed electronically using the Court's CM/ECF system, which shall
4 send notification of such filing to all counsel of record. Any counsel of record who
5 has not consented to electronic service through the Court's CM/ECF system will be
6 served by electronic mail.

/s/ Connor J. Hansen

Connor J. Hansen